
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

RICHARD G. GATT,

Plaintiff,

v.

EXPRESS RECOVERY SERVICES,

Defendant.

**ORDER AFFIRMING
REPORT & RECOMMENDATION**

Case No. 2:11CV43DAK

Judge Dale A. Kimball

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Paul M. Warner under 28 U.S.C. § 636(b)(1)(B). The court scheduled an initial pre-trial conference under DUCivR 72-1 before Magistrate Judge Nuffer, and Plaintiff did not appear. The court then issued an order to show cause why the case should not be dismissed. Plaintiff did not respond to the court's order. Magistrate Judge Nuffer, therefore, issued a Report and Recommendation on February 13, 2012, recommending that Plaintiff's case be dismissed without prejudice for failure to appear at the hearing and failure to respond to the court's order.

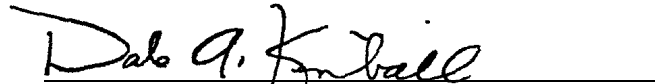
The Report and Recommendation notified Plaintiff that he could file objections to the Report and Recommendation within 14 days of being served with the Report and Recommendation. The court has not received an objection to the Report and Recommendation even though nearly a month has passed since it was issued.

The court has reviewed the file *de novo*. The court approves and adopts the Magistrate Judge's Report and Recommendation in its entirety. Accordingly, Plaintiff's Complaint is

dismissed without prejudice.

DATED this 12th day of March, 2012.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL

United States District Judge